

SUE FAHAMI
 Acting United States Attorney
 District of Nevada
 Nevada Bar No. 5634
 PAUL SACHELARI (CSBN 230082)
 Special Assistant United States Attorney
 Office of the General Counsel
 Social Security Administration
 6401 Security Boulevard
 Baltimore, MD 21235
 Telephone: (510) 970-4853
 paul.sachelari@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL H. MCCABE,

Plaintiff,

v.

LELAND DUDEK,
 Acting Commissioner of Social Security,¹

Defendant.

Case No. 3:24-cv-00438-CSD
ORDER GRANTING
UNOPPOSED MOTION FOR
EXTENSION OF TIME
(FIRST REQUEST)

Defendant Leland Dudek, Acting Commissioner of Social Security (Defendant) respectfully requests that the Court extend the time for Defendant to respond to Plaintiff's Motion for Reversal and/or Remand (Dkt. No. 12), currently due on February 24, 2025, by 45 days, through and including April 10, 2025. Defendant further requests that all subsequent deadlines set forth in the Court's scheduling order (Dkt. No. 10) be extended accordingly.

¹ Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 This is Defendant's first request for an extension of time. Good cause exists for this extension.
2 Defendant's counsel respectfully requests an extension of time because he has recently been
3 reassigned this case, and the date for the Commissioner's Brief overlaps with approximately five other
4 briefs due around the same time. This, along with multiple other non-briefing tasks assigned due
5 during this period has impacted Defendant's ability to evaluate Plaintiff's contentions. Additionally,
6 in response to an issue raised by Plaintiff in his motion, Defendant must confer with his client to
7 determine whether the certified administrative record in this case must be supplemented by additional
8 records, and if so, prepare those records. This could take significant time due to SSA staffing
9 constraints, and Defendant's request is an effort to allow for obtaining records, if necessary.

10 Beyond that, during this time, the undersigned will review the record, to evaluate the other
11 issues raised in Plaintiff's motion, to determine whether options exist for settlement, and if not,
12 prepare Defendant's response to Plaintiff's motion. Defendant's counsel will endeavor to complete
13 these tasks as soon as possible. This request is made in good faith and with no intention to unduly
14 delay the proceedings, and counsel apologizes for any inconvenience.

15 On February 20, 2025, counsel for Defendant conferred with Marc Kalagian, who has no
16 opposition to this motion.

17 It is therefore respectfully requested that Defendant be granted an extension of time to respond
18 to Plaintiff's Motion for Reversal and Remand, through and including April 10, 2025.

19
20 Dated: February 20, 2025

Respectfully submitted,

21 SUE FAHAMI
22 Acting United States Attorney

23 By: s/ Paul Sachelari
24 PAUL SACHELARI
25 Special Assistant United States Attorney
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IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read 'CS8' with a stylized flourish extending from the end.

CRAIG S. DENNEY
UNITED STATES MAGISTRATE JUDGE

DATED: February 21, 2025